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#17/Election
3-13-03
X. P. N. H.
PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
: Examiner: L. Lao
ETSURŌ KISHI, ET AL.)
: Group Art Unit: 2673
Application No.: 09/479,245)
:
Filed: January 7, 2000)
:
For: ELECTROPHORETIC DISPLAY)
DEVICE : March 11, 2003

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The Commissioner for Patents
Washington, D.C. 20231

Technology Center 2600

RESPONSE TO ELECTION OF SPECIES REQUIREMENT

Sir:

In response to the Official Action dated February 11, 2003, the Examiner is respectfully requested to enter and consider the following election and remarks.

In the Official Action, the Examiner entered an election of species requirement, identifying the following two species:

<u>Species</u>	<u>Figures</u>
I	Figures 1, 3A-5, and 9-13; and
II	Figures 2, 6, and 14.

Applicants respectfully traverse the election requirement. Without conceding the Examiner's characterization of the claimed invention, Applicants believe that

a thorough search of the relevant art for one species will require substantial consideration of the art relevant to the other species. In fact, all of the pending claims have already been searched and examined together once before. The pending claims were examined and subsequently allowed in the Notice of Allowance mailed October 1, 2002. On December 20, 2002, Applicants filed an RCE Transmittal and Amendment merely to make minor amendments to Claim 1. Accordingly, Applicants submit that the Patent Office has already established that the pending claims can be searched and examined together.

Also, if Applicants are forced to file separate applications in view of the requirement, separate search and examination by separate Examiners may lead to duplicate work and inconsistent results. Thus, Applicants submit that it would be administratively and economically preferable to search all of the species together.

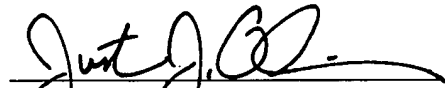
Further, the making of an election of species requirement is not mandatory in all instances where it is possible to do so. Rather, the Examiner may use his discretion and choose not to require an election of species where circumstances warrant. It is believed that such is the case in the subject application where substantive examination has already been performed once for all of the claims. Accordingly, Applicants request that the election of species requirement be withdrawn.

Nevertheless, Applicants provisionally elect, with traverse, to prosecute the subject matter of Species I (Figures 1, 3A-5, and 9-13) in the present application.

Applicants submit that Claims 1-6 read on the elected species and that Claim 1 is generic.

Applicants' undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,



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